

REMARKS

Entry of the above amendments and consideration of the following remarks are respectfully requested.

Claims 12 has been objected to under 37 CFR § 1.75(c). Claim 12 has been amended to overcome this objection,

Claims 1-17 and Claim 38 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Independent Claim 1, and Claims 5, 8, 9, 12, and 38 have been amended to overcome the bases for the Examiner's rejection.

Claims 1-4, 14, 37-39, 43 and 45 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Stedman et al. (U.S. 4,883,059). Independent Claim 1 has been amended to recite that the two parts of the needle-guide device form substantially symmetrical parts of the guide hole wall and that the needle-guide device maintains a covering over the needle over the entire guide hole length to accurately guide the needle. Stedman et al. does not disclose or suggest this arrangement. The needle guide cover in Stedman et al. is designed to hide the needle from the patient and slides along the needle guide to keep the needle covered. The cover of Stedman et al. is not designed to form an important part of the guide hole such that the needle is maintained in a precise and accurate position during the medical procedure. In Stedman et al., and the needle is advanced, the portion of the needle guide hole that is covered is increasingly reduced, such that when the position of the needle needs to be most carefully controlled, i.e., when it enters the body, the needle guide cover is contributing the least amount of such control. The present invention, on the other hand, maintains a precise and accurate full-length guide hole during the entire movement of the needle. The advantage of this arrangement is not suggested by

Stedman et al., which actually teaches away from this approach by providing a needle cover that is designed to, and is expected to slide with the needle, thereby shortening the guide hole length. Claim 1 is therefore believed to patentably distinguish over Stedman et al. and is now believed to be allowable. Claims 2-17, dependent upon Claim 1, are also believed to be allowable by virtue of Claim 1 being allowable.

Claim 37 has been amended recite that the needle-guide base and the probe have corresponding shape mating parts that form interlock engagement means. Stedman et al. does not disclose or suggest such an arrangement. Stedman et al. discloses only that the attachment ring of the needle guide has a flat surface that will aid alignment of the guide on the probe. There is nothing disclosed in Stedman et al. that would lead one skilled in the art to design an attachment mechanism as recited in Claim 37 that provides the high level of precision alignment that is desired. Claim 37 is therefore believed to be allowable over Stedman et al. Claim 38-39, 43 and 45, dependant upon Claim 37, are also believed to be allowable by virtue of Claim 37 being allowable.

Claims 2, 4, 8, 10, 15, 40-42, and 45 have been rejected under 35 U.S.C. §103(a) over Stedman et al. further in view of Wung et al. (U.S. 5,623,931). In view of the amendments to independent Claims 1 and 37, neither Stedman et al. nor Wung et al. disclose or suggest the particular advantageous precision mating arrangement recited in Claims 1 and 37. As such, Claims 2, 4, 8, 10, and 15, dependent upon Claim 1, and Claims 40-42 and Claim 45, dependent upon Claim 37, are therefore believed to be allowable over the cited references.

Claims 5-7, 9, 11-13, and 16-17 have been rejected under 35 U.S.C. §103(a) over Stedman et al. further in view of Miller et al. (U.S. 5,758,650). As stated above, Claim 1 is

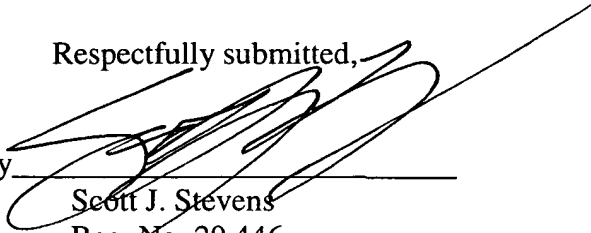
believed to be allowable over Stedman et al. Consequently, Claims 5-7, 11-13, and 16-17, which are dependent upon Claim 1, are therefore believed to be allowable by virtue of Claim 1 being allowable.

Applicant notes that the Examiner has indicated that Claim 44 includes allowable subject matter. However, in view of the preceding amendments and remarks, Applicant does not believe that amending Claim 44 to independent form is necessary to permit Claim 44 to be allowed.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the cited references, either singly, or in combination, do not disclose or make obvious the claimed invention. Accordingly, reconsideration is respectfully requested with a passage of this application to allowance respectfully solicited. The Examiner is invited to telephone the undersigned attorney if there are any questions about this submission or other matters, which may be addressed in that fashion. It is believed that no fees are due; however, if any fees are deemed necessary, please charge said fees to Deposit Account No. 23-3030, but not to include the payment of any issue fee.

Respectfully submitted,

By


Scott J. Stevens

Reg. No. 29,446

Woodard, Emhardt, Moriarty,

McNett & Henry LLP

Bank One Center/Tower, Suite 3700

111 Monument Circle

Indianapolis, Indiana 46204-5137

(317) 634-3456 telephone

(317) 637-7561 facsimile